

ESTTA Tracking number: **ESTTA439635**

Filing date: **11/05/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Ledtronics, Inc.
Granted to Date of previous extension	11/05/2011
Address	23105 Kashiwa Court Torrance, CA 90505 UNITED STATES
Attorney information	Michael L. Lovitz ALONZO & ASSOCIATES 400 Continental Blvd., Suite 600 El Segundo, CA 90245 UNITED STATES iplaw@alonzasso.com, trademarks@lovitziplaw.com Phone:310-648-8473

Applicant Information

Application No	85292063	Publication date	09/06/2011
Opposition Filing Date	11/05/2011	Opposition Period Ends	11/05/2011
Applicant	TADD, LLC. 108 S. Wynstone Park Drive N. Barrington, IL 60010 UNITED STATES		

Goods/Services Affected by Opposition


Class 011. First Use: 2011/02/28 First Use In Commerce: 2011/02/28
All goods and services in the class are opposed, namely: LED (light emitting diode) lighting fixtures


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85335492	Application Date	06/01/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LED		

Design Mark	
Description of Mark	The mark consists of The mark comprises the letters LED arranged to resemble a light; specifically, the letter "L" is elevated and appears to be a wire attached to the center of the left side of the letter "E", and the rounded portion of the letter "D" appears to be the surface of a bulb.
Goods/Services	Class 009. First use: First Use: 1984/01/00 First Use In Commerce: 1984/01/00 Light emitting diode (LED) devices, namely arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum

U.S. Application No.	85335516	Application Date	06/01/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LED		
Design Mark			
Description of Mark	The mark consists of The mark comprises the letters LED arranged to resemble a light; specifically, the letter "L" is elevated and appears to be a wire attached to the center of the left side of the letter "E", and the rounded portion of the letter "D" appears to be the surface of a bulb.		
Goods/Services	Class 040. First use: First Use: 1984/01/00 First Use In Commerce: 1984/01/00 Custom manufacture of light emitting diode devices, namely, arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum		

U.S. Application No.	85461920	Application Date	11/01/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LED		

Design Mark	
Description of Mark	<p>The mark consists of The mark consists of The mark comprises the letters LED arranged to resemble a light; specifically, the letter "L" is elevated and appears to be a wire attached to the center of the left side of the letter "E", and the rounded portion of the letter "D" appears to be the surface of a bulb.</p>
Goods/Services	<p>Class 006. First use: First Use: 1997/06/00 First Use In Commerce: 1997/06/00 Metal key chains</p> <p>Class 009. First use: First Use: 1984/01/00 First Use In Commerce: 1984/01/00 Electronic LED signs; LED circuit boards; LED vehicle traffic signals; Light emitting diode (LED) displays; Light emitting diodes (LEDs); Portable LED safety lighting devices for personal use for safety purposes</p> <p>Class 011. First use: First Use: 1984/03/00 First Use In Commerce: 1984/03/00 LED (light emitting diode) lighting fixtures; LED (light emitting diodes) lighting fixtures for use in display, commercial, industrial, residential, and architectural accent lighting applications; LED landscape lights; LED light apparatus that clips on to a handbag, used to illuminate a handbag; LED light assemblies for street lights, signs, commercial lighting, automobiles, buildings, and other architectural uses; LED light bulbs; LED light machines; LED lighting fixtures for indoor and outdoor lighting applications; LED lighting systems, namely, LED modules, power supplies, and wiring; LED lights for lighting purposes incorporated into key chains, small toys or other similar personal items; LED lights for strings, flowers, branches and other ornamental decorations; LED luminaires; Light Emitting Diode (LED) plant grow light; Lights for use in illuminating signs and displays; Luminaires, using light emitting diodes (LEDs) as a light source, for street or roadway lighting; Optical lens covers that improve light output and uniformity and protect the LED, sold as a feature of an LED lighting system; Tools, components and supplies for use in making signs, namely, LED bulbs, lamps and fixtures; LED street lights; LED street light bulbs; LED tube lights; LED tube light bulbs; LED tube light fixtures</p> <p>Class 040. First use: First Use: 1984/01/00 First Use In Commerce: 1984/01/00 Custom manufacture of light emitting diode (LED) devices; Manufacture of light emitting diode (LED) devices, namely, arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum to order and/or specification of others</p> <p>Class 042. First use: First Use: 1997/08/00 First Use In Commerce: 1997/08/00 Design for others in the field of light emitting diode (LED) devices, lights, displays, arrays, clusters and fixtures</p>
Attachments	<p>85335492#TMSN.jpeg (1 page)(bytes) 85335516#TMSN.jpeg (1 page)(bytes) 85461920#TMSN.jpeg (1 page)(bytes) LED Notice of Opposition.pdf (7 pages)(769260 bytes)</p>

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/michael I lovitz/
Name	Michael L. Lovitz
Date	11/05/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Application Serial No. 85292063
Filed: April 11, 2011
For the Mark: LED and Design
Published: September 6, 2011

Ledtronics, Inc.,	:	
	:	Opposition No.
Opposer,	:	
v.	:	
	:	Attorney Docket No.: L-31
TADD, LLC,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

In the matter of Trademark Application Serial No. 85/292,063 filed April 11, 2011, and published for opposition in the *Official Gazette* of September 6, 2011 at page TM 641:

Ledtronics, Inc., a corporation organized under the laws of California and having an address of 23015 Kashiwa Court, Torrance, CA 90505, believes that it will be damaged if the registration is issued in connection with the goods therein identified and hereby gives notice of its intention to oppose the registration of said trademark in connection with such goods. The grounds for opposition are as follows:

1. Applicant seeks to register “LED and Design” as a trademark for use in connection with LED (light emitting diode) lighting fixtures, based on an allegation of use in commerce since February 28, 2011, as evidenced by the publication of said mark in the *Official Gazette* of September 6, 2011 at page TM 641.

2. Established in 1983, Opposer is and has for many years been engaged continuously in the design, manufacture, distribution and sale of LED (light emitting

diode) lights, bulbs, signs, displays, boards and other devices, as well as providing custom design and manufacturing services of LED devices to others, all since long prior to the filing of Applicant's application or the date of first use by Applicant, and has built a large and profitable business in connection therewith.

3. Since 1983, Opposer has adopted and used a number of trademarks in connection with its light emitting diode goods and services, including the marks “LED (Stylized)”, “SURFLED”, “KEYLED”, “PATHLED”, “UTILITYLED” and “LEDTRONICS”.

4. Opposer describes its “LED (Stylized)” mark as comprising the letters “LED” arranged to resemble a light, with the curved portion of the “D” representing the surface of a bulb.

5. Opposer’s “LED (Stylized)” trademark is used in connection with numerous products and services, including metal key chains, electronic signs, circuit boards, light emitting diode displays, safety lighting devices, lighting fixtures, lighting systems, light emitting diode bulbs, street lights, tube lights, plant grow lights (“Opposer’s Goods”), and related design and manufacture services.

6. Opposer has been using and continues to use its “LED (Stylized)” trademark in interstate commerce in connection with the sale of light emitting diode devices, products and related services, for more than twenty-eight (28) years, and such use has been substantially exclusive and continuous in connection with Opposer’s Goods and its related services.

7. Opposer is the owner of the following pending applications and (expired) registrations on the Principal Register of the United States Patent and Trademark Office (collectively “Opposer’s Marks”):

“LED (Stylized)”, pending application Serial No. 85/335,492 filed June 1, 2011 for light emitting diode (LED) devices, namely arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum;

“LED (Stylized)”, pending application Serial No. 85/335,516 filed June 1, 2011 for custom manufacture of light emitting diode devices, namely, arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum;

“LED (Stylized)”, pending application Serial No. 85/461,920 filed November 1, 2011 for metal key chains; Electronic LED signs; LED circuit boards; LED vehicle traffic signals; Light emitting diode (LED) displays; Light emitting diodes (LEDs); Portable LED safety lighting devices for personal use for safety purposes; LED (light emitting diode) lighting fixtures; LED (light emitting diodes) lighting fixtures for use in display, commercial, industrial, residential, and architectural accent lighting applications; LED landscape lights; LED light apparatus that clips on to a handbag, used to illuminate a handbag; LED light assemblies for street lights, signs, commercial lighting, automobiles, buildings, and other architectural uses; LED light bulbs; LED light machines; LED lighting fixtures for indoor and outdoor lighting applications; LED lighting systems, namely, LED modules, power supplies, and wiring; LED lights for lighting purposes incorporated into key chains, small toys or other similar personal items; LED lights for strings, flowers, branches and other ornamental decorations; LED luminaires; Light Emitting Diode (LED) plant grow light; Lights for use in illuminating signs and displays; Luminaires, using light emitting diodes (LEDs) as a light source, for street or roadway lighting; Optical lens covers that improve light output and uniformity and protect the LED, sold as a feature of an LED lighting system; Tools, components and supplies for use in making signs, namely, LED bulbs, lamps and fixtures; LED street lights; LED street light bulbs; LED tube lights; LED tube light bulbs; LED tube light fixtures; Custom manufacture of light emitting diode (LED) devices; Manufacture of light emitting diode (LED) devices, namely, arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum to order and/or specification of others; Design for others in the field of light emitting diode (LED) devices, lights, displays, arrays, clusters and fixtures;

“LED (Stylized)”, Reg. No. 1,757,779 issued March 9, 1993 for LED devices, namely arrays, clusters, displays, illumination, and instrumentation;

“LED (Stylized)”, Reg. No. 2,392,900 issued October 10, 2000 for light emitting diode (LED) devices, namely arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum; and

“LED (Stylized)”, Reg. No. 2,391,096 issued October 3, 2000 Custom manufacture of light emitting diode devices, namely, arrays, clusters and displays of LED devices for instrumentation, indication and illumination within the visible light and infrared spectrum.

8. Opposer’s Marks have acquired distinctiveness as used in connection with Opposer’s Goods as a result of Opposer’s long and substantially exclusive and continuous use of the same in commerce for more than 28 years.

9. By virtue of Opposer’s use in commerce of its “LED (Stylized)” trademarks in connection with its business, services and Opposer’s Goods, such trademarks have come to be associated among the relevant trade and public with Opposer and no other entity, thereby creating a valuable reputation for such goods, services and business.

10. Applicant bases the application to register on a claim of use of the applied-for mark in commerce since February 28, 2011.

11. On information and belief, Applicant did not use its “LED and Design” mark in interstate commerce prior to February 28, 2011.

12. Opposer’s use of Opposer’s Marks long predates both Applicant’s date of first use and the April 11, 2011 filing date of the application herein opposed. Priority is not in issue.

13. Applicant’s “LED and Design” mark as applied to LED lighting fixtures so resembles Opposer’s “LED (Stylized)” trademark as applied to Opposer’s Goods and related services that it is likely to cause confusion, mistake or deception.

14. Applicant’s mark is visually similar to Opposer’s Marks, as shown in Exhibit 1 attached hereto.

15. The literal elements of both marks, namely “LED”, are identical.

16. Opposer's Marks and Applicant's mark both form designs where (i) the curved portion of the letter "D" forms the bulb surface, the bulb is supported by the letter "E" portion of the marks, and power enters the light design through the letter "L".

17. The commercial impression of Applicant's mark is confusingly similar to that of Opposer's "LED (Stylized)" trademarks.

18. The respective goods of Applicant and Opposer's Goods, upon information and belief, are substantially similar or closely related and would travel through the same types of channels of trade.

19. The respective goods of Applicant sold under the mark herein opposed and Opposer's Goods, upon information and belief, are such as would be sold to the same class of purchasers.

20. Applicant's mark, when used in connection with the goods identified in the application herein opposed, namely LED (light emitting diode) lighting fixtures, is likely to cause confusion with Opposer's Marks.

21. Customers of Opposer and others familiar with Opposer's light emitting diode products, devices, and related services, upon seeing Applicant's "LED and Design" mark used in connection with Applicant's goods, would be likely to believe that such goods originated from Opposer or were produced in association or affiliation with or under license from Opposer.

22. Confusion, mistake and/or deception of the relevant trade and public resulting from Applicant's use of its "LED and Design" mark for LED lighting fixtures is likely to cause damage and injury to Opposer and to Opposer's reputation as a supplier of high quality LED lights, bulbs, devices and other LED products.

23. If Applicant is permitted to register its mark for the goods as set forth in the application herein opposed, confusion of the trade and public resulting in damage or injury to Opposer would be caused or would result by reason of the similarity between the marks and goods of the parties. Any persons familiar with the goods, services or business of Opposer would be likely to buy Applicant's goods as products originating from or sponsored by Opposer. Furthermore, any defect, objection to, or fault found with Applicant's goods sold under its mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for the goods bearing Opposer's Marks.

24. If Applicant is granted a registration for the mark herein opposed in connection with the goods identified therein, Applicant would thereby obtain at least a *prima facie* exclusive right to use such mark, which registration would be a source of damage and injury to Opposer and its customers.

WHEREFORE, Opposer prays that registration of the mark of Application Serial No. 85/292,063 be denied and refused, and that this opposition be sustained.

Respectfully submitted,

By: 

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Dated: November 5, 2011

ATTORNEYS FOR OPPOSER

EXHIBIT 1

A. Ledtronics, Inc. Design:



B. TADD, LLC Design:

